

UNITED STATES DISTRICT COURT *23CR324 NEB/LB*
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

INDICTMENT

Plaintiff,

18 U.S.C. § 371
18 U.S.C. § 922(a)(6)
18 U.S.C. § 922(g)(1)
18 U.S.C. § 924(a)(2)
18 U.S.C. § 924(a)(8)
18 U.S.C. § 924(d)(1)
28 U.S.C. § 2461(c)

v.

(1) DONALD DUANE ARMSTRONG,
JR., and

(2) FRANKLIN WARREN SAM, JR.,

Defendant.

THE UNITED STATES GRAND JURY CHARGES THAT:

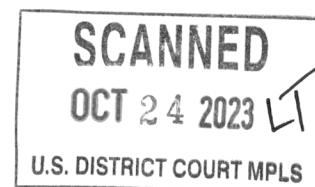
COUNT 1

(Conspiracy to Make False Statements During Purchase of Firearms)

On or about May 26, 2023, in the State and District of Minnesota, the defendants,

DONALD DUANE ARMSTRONG, JR.,
and
FRANKLIN WARREN SAM, JR.,

knowingly and intentionally conspired with each other and with others known and unknown to the grand jury to violate Title 18, United States Code, Section 922(a)(6), which makes it a federal crime to make a false statement in the purchase of a firearm; all in violation of Title 18, United States Code, Section 371.



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OVERT ACTS

During and in furtherance of the conspiracy, the defendants committed the following overt acts, among others:

1. On or about May 26, 2023, defendant **FRANKLIN WARREN SAM, JR.**, purchased a Glock model 23 Gen5 40-caliber semi-automatic pistol, bearing serial number AFXA713, from Reeds Family Outdoor Outfitters, a Federal Firearms Licensee (“FLL”) in Walker, Minnesota. **SAM** filled out, signed, and dated an ATF Form 4473, certifying that he was the actual transferee/buyer of the firearm, when in fact he was purchasing the firearm on behalf of another person. **SAM** subsequently transferred the firearm to **DONALD DUANE ARMSTRONG, JR.**.

COUNTS 2-9

(Making False Statements During Purchase of Firearms)

On or about the dates alleged below, the defendant,

FRANKLIN WARREN SAM, JR.,

in connection with the acquisition of the following firearms from federally licensed dealers of firearms within the meaning of Chapter 44 of Title 18 of the United States Code, knowingly made false and fictitious written statements intended and likely to deceive such federally licensed dealers of firearms as to a fact material to the lawfulness of the sale of such firearms to the defendant under the provisions of Chapter 44 of Title 18 of the United States Code, in

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that the defendant represented that he was the actual buyer of the firearm, when in fact the defendant was not the actual buyer of the firearm, and the defendant then knew he was not the actual buyer of the firearm:

<u>Count</u>	<u>Date (On or About)</u>	<u>Licensed Dealer</u>	<u>Firearm(s)</u>
2	September 2, 2022	R&R Arms	(1) Aero Precision model M5 7.62x51 rifle bearing serial number US250535
3	October 1, 2022	Reeds Family Outdoor Outfitters	(1) Ruger model EC9S 9mm semi-automatic pistol bearing serial number 461-87368 (2) Glock model 35 .40 caliber semi-automatic pistol bearing serial number BTUY501
4	October 2, 2022	Dunham's Sports	(1) Glock model 20 Gen4 10mm semi-automatic pistol bearing serial number BXHE862
5	October 7, 2022	L&M Fleet Supply	(1) Smith & Wesson model M&P-15 .223/5.56 rifle bearing serial number TT46165
6	October 16, 2022	Dunham's Sports	(1) Diamondback model DB10 .308 rifle bearing serial number DB-7024107
7	October 26, 2022	Reeds Family Outdoor Outfitters	(1) Kimber model Stainless Raptor II 10mm semi-automatic pistol bearing serial number KF134331 (2) Kimber K6S .357 revolver bearing serial number RV092585
8	May 15, 2023	MD Pawn & Bait	(1) Stevens model 320 12-gauge shotgun bearing serial number 200663H

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<u>Count</u>	<u>Date (On or About)</u>	<u>Licensed Dealer</u>	<u>Firearm(s)</u>
9	May 26, 2023	Reeds Family Outdoor Outfitters	(1) Glock model 23 Gen5 .40 caliber semi-automatic pistol bearing serial number AFXA713

all in violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

COUNT 10
(Felon in Possession of a Firearm)

On or about June 14, 2023, in the State and District of Minnesota, the defendant,

DONALD DUANE ARMSTRONG, JR.,

having previously been convicted of the following crimes, each of which was punishable by imprisonment for a term exceeding one year:

Offense	Place of Conviction	Date of Conviction (On or About)
Third Degree Drug Sale	Cass County, MN	Sept. 16, 2010
Fleeing a Peace Officer in a Motor Vehicle Resulting in Substantial Bodily Harm	Mahnomen County, MN	Dec. 15, 2011
Auto Theft	Becker County, MN	Dec. 20, 2011
Auto Theft	Pennington County, MN	Nov. 5, 2012
Check Forgery	Lyon County, MN	Jun. 13, 2017

and knowing he had been convicted of at least one crime punishable by imprisonment for a term exceeding one year, did knowingly possess, in and

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affecting interstate commerce, firearms, that is (1) a Palmetto State Armory 7.62x39 rifle bearing serial number GF3-63853; (2) a Smith & Wesson model M&P .223/5.56 rifle bearing serial number TT46165; (3) a Kel Tec model Sub 2000 9mm carbine rifle bearing serial number FFW575; (4) an Aero Precision model M5 7.62x51 rifle bearing serial number US250535; (5) a Rock Island .45 caliber semi-automatic pistol bearing serial number RIA2435887; (6) a Kimber .45 caliber semi-automatic pistol bearing serial number K697771; (7) a Kimber model Stainless Raptor II 10mm semi-automatic pistol bearing serial number KF134331; (8) a Kimber model K6S .357 revolver bearing serial number RV092585; (9) a Glock model 20 Gen4 10mm semi-automatic pistol bearing serial number BXHE862; (10) a Glock model 35 40 caliber semi-automatic pistol bearing serial number BTUY501; (11) a Glock model 23 Gen5 40 caliber semi-automatic pistol bearing serial number AFXA713; (12) a Stevens model 320 12-gauge shotgun bearing serial number 200663H; (13) a Diamondback model DB10 .308 rifle bearing serial number DB-7024107; and (14) a Ruger model EC9S 9mm semi-automatic pistol bearing serial number 461-87368, all in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(8).

FORFEITURE ALLEGATIONS

If convicted of Counts 1 through 10 of this Indictment, the defendants shall forfeit to the United States any firearms, accessories and ammunition involved in or used in connection with such violations including, but not limited

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to, (1) a Palmetto State Armory 7.62x39 rifle bearing serial number GF3-63853; (2) a Smith & Wesson model M&P .223/5.56 rifle bearing serial number TT46165; (3) a Kel Tec model Sub 2000 9mm carbine rifle bearing serial number FFW575; (4) an Aero Precision model M5 7.62x51 rifle bearing serial number US250535; (5) a Rock Island .45 caliber semi-automatic pistol bearing serial number RIA2435887; (6) a Kimber .45 caliber semi-automatic pistol bearing serial number K697771; (7) a Kimber model Stainless Raptor II 10mm semi-automatic pistol bearing serial number KF134331; (8) a Kimber model K6S .357 revolver bearing serial number RV092585; (9) a Glock model 20 Gen4 10mm semi-automatic pistol bearing serial number BXHE862; (10) a Glock model 35 .40 caliber semi-automatic pistol bearing serial number BTUY501; (11) a Glock model 23 Gen5 .40 caliber semi-automatic pistol bearing serial number AFXA713; (12) a Stevens model 320 12-gauge shotgun bearing serial number 200663H; (13) a Diamondback model DB10 .308 rifle bearing serial number DB-7024107; and (14) a Ruger model EC9S 9mm semi-automatic pistol bearing serial number 461-87368, and any accessories, magazines and ammunition seized therewith, pursuant to Title 18, United States Code, Section 924(d)(1), and Title 28, United States Code, Section 2461(c).

A TRUE BILL

UNITED STATES ATTORNEY

FOREPERSON